

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KATHRYN KNOWLTON, et al.,

Plaintiffs,

v.

Case No. 2020-CV-01660

CITY OF WAUWATOSA, et al.,

Defendants.

DECLARATION OF GEORGE M. SCHIMMEL

George M. Schimmel, being first duly sworn under oath, declares and states as follows:

1. I am an attorney licensed to practice law in the State of Wisconsin and the municipal court city prosecutor for the City of Wauwatosa. I make this Declaration on personal knowledge and my review of various documents.

2. The municipal case against Plaintiff Gabriella Vitucci was dismissed on my motion. The dismissal was not for lack of probable cause to charge and there was never a finding by the municipal court of lack of probable cause. Attached as **Exhibit A** is a true and accurate copy of the municipal Defendant Court Record for Gabriella Vitucci. Attorney Motley was her attorney of record in municipal court.

3. The municipal case against Plaintiff Khalil Coleman was dismissed on my motion. The dismissal was not for lack of probable cause to charge and there was never a finding by the municipal court of lack of probable cause. Attached as **Exhibit B** is a true and accurate copy of the municipal Defendant Court Record for Khalil Coleman. Attorney Motley was his attorney of record in municipal court.

4. The case against Plaintiff Brandon Wilborn was dismissed on my motion. The dismissal was not for lack of probable cause to charge and there was never a finding by the

municipal court of lack of probable cause. Attached as **Exhibit C** is a true and accurate copy of the municipal Defendant Court Record for record for Brandon Wilborn and Stipulation. Attorney Motley was his attorney of record in municipal court.

5. The case against Plaintiff Rosalind Rogers was dismissed on my motion. The dismissal was not for lack of probable cause to charge and there was never a finding by the municipal court of lack of probable cause. Attached as **Exhibit D** is a true and accurate copy of the municipal Defendant Court Record for Rosalind Rogers. Attorney Motley was her attorney of record in municipal court.

6. The case against Plaintiff Isiah Baldwin was dismissed on my motion. The dismissal was not for lack of probable cause to charge and there was never a finding by the municipal court of lack of probable cause. Attached as **Exhibit E** is a true and accurate copy of the municipal Defendant Court Record for Isiah Baldwin. Attorney Motley was his attorney of record in municipal court.

7. The case against Plaintiff Aidali Rivera was dismissed on my motion. The dismissal was not for lack of probable cause to charge and there was never a finding by the municipal court of lack of probable cause. Attached as **Exhibit F** is a true and accurate copy of the municipal Defendant Court Record for Aidali Rivera. Attorney Motley was her attorney of record in municipal court.

8. Plaintiff Joanna Geisler was found guilty on December 1, 2021, in municipal court for "Disobey Lawful Order" in violation of Ordinance 7.48.010(4). Attached as **Exhibit G** is a true and correct copy of the municipal Defendant Court Record evincing the finding of guilt which was appealed in Milwaukee County Case Number 2022FO000106 Wauwatosa, City of vs. Joanna L Geisler. Attorney Motley was her attorney of record in municipal court.

9. Plaintiff William Schroder was found guilty on December 1, 2021, in municipal court for “Disobey Lawful Order” in violation of Ordinance 7.48.010(4). Attached as **Exhibit H** is a true and correct copy of the municipal Defendant Court Record evincing the finding of guilt which was appealed in Milwaukee County Case Number 2022FO000102 Wauwatosa, City of vs. William E Schroeder. Attorney Motley was his attorney of record in municipal court.

10. Plaintiff Mariah Smith was found guilty on December 15, 2021, in municipal court for “Obstructing Traffic by Loitering” in violation of Ordinance 756050 for her August 13, 2020 ticket. Attached as **Exhibit I** is a true and correct copy of the municipal Defendant Court Record evincing the finding of guilt which was appealed in Milwaukee County Case Number 2022FO000110 Wauwatosa, City of vs. Mariah Smith. Attorney Motley was her attorney of record in municipal court.

11. Plaintiff Mariah Smith was also found guilty on December 15, 2021, in municipal court for “Disorderly Conduct” in violation of 947.01 for her September 5, 2020 ticket. Attached as **Exhibit J** is a true and correct copy of the municipal Defendant Court Record evincing the finding of guilt which was appealed in Milwaukee County Case Number 2022FO000115 Wauwatosa, City of vs. Mariah Smith. Attorney Motley was her attorney of record in municipal court.

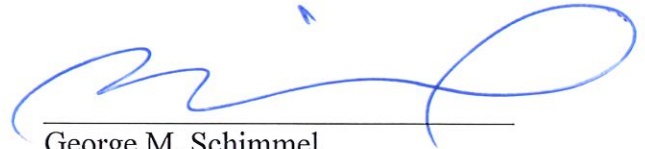
12. On July 20, 2021, I provided Attorney Motley with a stipulation to amend the curfew citations pending in Wauwatosa Municipal Court to a forfeiture of \$200 for thirty-four of the named Plaintiffs and Attorney Motley refused to sign the stipulation. Attached as **Exhibit K** is a true and correct copy of the email correspondence and stipulation.

13. On December 1, 2021, after both Plaintiffs Joanna Geisler and William Schroeder were found guilty for “Disobey Lawful Order” their forfeitures were amended to \$691.00.

14. Plaintiff Eric Fanning's citation was dismissed on March 3, 2021. Attached as **Exhibit L** is a true and correct copy of the Municipal Court Contested Docket and Stipulation evincing the dismissal. Attorney Motley was his attorney of record in municipal court.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on April 20, 2022.


George M. Schimmel